

Exhibit M

Jennifer Martinez

April 12, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LA UNION DEL PUEBLO)
ENTERO, et al,)
)
Plaintiffs,)
) CIVIL ACTION
VS.)
) NO.: 5:21-cv-844-XR
GREGORY W. ABBOTT, et al,)
)
Defendants.)
)

ORAL AND VIDEOTAPED DEPOSITION OF

JENNIFER MARTINEZ

APRIL 12, 2022

ORAL AND VIDEOTAPED DEPOSITION OF JENNIFER
MARTINEZ, produced as a witness at the instance of the
DEFENDANTS, and duly sworn, was taken in the
above-styled and numbered cause on April 12, 2022, from
10:12 a.m. to 1:46 p.m. before Miah Parson, CSR in and
for the State of Texas, reported by oral stenography, at
the law offices of Reed Smith LLP, 401 Congress Avenue,
Suite 1800, Austin, Texas 78701, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.

1 Otherwise, I'd prefer that you not instruct the witness
2 on how she should answer things.

3 MS. LOPEZ: That's fine.

4 A. We -- we contend that the voter assistance
5 issue would impact Ms. Litzinger. There is a chilling
6 effect on folks who are looking to support folks with
7 disabilities. If they are asked to sign a form that
8 says that they are -- could be criminally prosecuted for
9 helping a person erroneously. There's also not the
10 opportunity for her to be fully supported. I don't know
11 what Ms. Litzinger needs, but it could be additional
12 support, cueing, navigating the poling place,
13 translation services. Any of those that the Arc of
14 Texas is concerned that would be limited in how she is
15 supported and her assister would be likely to assist her
16 in voting because of their concern about filling out a
17 form that could have criminal penalties.

18 Q. Do you know whether Ms. Litzinger voted in
19 person in the March 22nd primary?

20 A. I do not.

21 Q. Do you know whether Ms. Litzinger voted at all
22 in the March 22 primary?

23 A. I do not.

24 Q. Do you know whether Ms. Litzinger has ever
25 voted in an election?

1 developmental disabilities?

2 A. Without the appropriate supports that's a
3 possibility.

4 Q. Let's move onto Section 6.05 which is at
5 Page 53. What is the Arc of Texas' factual contention
6 for how Ms. Litzinger is harmed by Section 6.05?

7 A. We believe that a barrier is placed in front of
8 anybody with a disability who is looking to vote when
9 there is a criminal penalty for filling out a form
10 incorrectly that's a concern and is a barrier in our
11 minds.

12 Q. You understand that Section 6.05 applies to a
13 person who assists not the person voting, right?

14 A. Correct.

15 Q. So I guess what I'm trying to get at is, what
16 is the factual contention about how this impacts the
17 person with the disability?

18 A. The person with the disability could be
19 impacted by an assister because they are concerned about
20 a criminal penalty. Not receiving the appropriate
21 supports and assistance that they need to successfully
22 vote.

23 Q. Does Arc of Texas have any examples that you
24 can give me today of an assister who has declined to
25 provide assistance on account of criminal penalties in